

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 2003-264

September 3, 2003

**AT&T COMMUNICATIONS**

Proposed Tariff Revision to Change  
The Text of the General Regulations  
Section of the Local Exchange Tariff

**ORDER REJECTING PROPOSED  
TERMS AND CONDITIONS REVISION**

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WELCH, Chairman; DIAMOND and REISHUS, Commissioners

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**I. SUMMARY**

In this Order we reject AT&T's April 9, 2003 proposed change to its General Regulations section of the Local Exchange Service terms and conditions.

**II. DECISION**

On April 9, 2003, AT&T filed a proposed revision to its Local Exchange Service terms and conditions, PUC No. 5, Section 2, 1<sup>st</sup> Revised Page 21. The proposed change included the following language: "The Customer is responsible for providing written notification to the Company of any charges in dispute within six months of the bill date..." This language conflicts with Chapter 291, Section 11(C) which requires that a non-ETC refund any charge billed in excess of correct rates within the previous 6 years from the date of discovery or notice of the error. Staff notified the Company of this conflict on May 7, 2003 and explained that the Company would need to request a waiver of Chapter 291 and demonstrate good cause for the waiver and that the waiver is consistent with the policies contained in Chapter 291 and Title 35-A. Chapter 291, §15.

The proposed tariff revision has been suspended twice since Staff notified the Company, providing ample time to apply for a waiver request. In as much as no waiver request has been filed and the language is in conflict with our rules, we reject the proposed tariff revision.

Dated at Augusta, Maine, this 3<sup>rd</sup> day of September, 2003.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR: Welch

Diamond

Reishus  
NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.